

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICO ISAIH HAIRSTON,	:	Case No. 1:22-cv-104
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Susan J. Dlott
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
FRELON SPARKS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER and REPORT AND RECOMMENDATION¹

This case is before the Court upon Defendants' Motion for Summary Judgment (Doc. #173) and Defendants' Motion for Extension of Time to File Reply (Doc. #179).

On July 31, 2025, due to inconsistencies between Warden Davis' Declaration and emails produced by Defendant Nolan, the undersigned ordered Defendants to produce outstanding discovery by August 22, 2025. (Doc. #192).

In light of the outstanding discovery and in an effort to give Plaintiff the opportunity to examine all evidence relevant to his claims, the undersigned **RECOMMENDS** that the Court **DENY** Defendants' Motion for Summary Judgment (Doc. #173) without prejudice to renew.² Once the undersigned is satisfied that discovery is complete, a new deadline for dispositive motions will be set.

¹ Attached is a NOTICE to the parties regarding objections to this Report and Recommendation.

² If Defendants choose to file another motion for summary judgment, they may refer to the exhibits previously submitted to the Court in support of their Motion for Summary Judgment; they need not refile all the exhibits. However, they may attach additional relevant exhibits.

Furthermore, Defendants' Motion for Extension of Time to File Reply (Doc. #179) is **DENIED** as moot.

July 31, 2025

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).